

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Advancing Broadband Availability Through Digital Literacy Training	)	WC Docket No. 12-23
	)	

**COMMENTS OF SACRED WIND COMMUNICATIONS, INC.**

**ON THE PETITION FOR WAIVER AND CLARIFICATION OF  
THE UNITED STATES TELECOM ASSOCIATION, THE INDEPENDENT  
TELEPHONE AND TELECOMMUNICATIONS ALLIANCE, THE NATIONAL  
TELECOMMUNICATIONS COOPERATIVE ASSOCIATION, THE ORGANIZATION  
FOR THE PROMOTION AND ADVANCEMENT OF SMALL  
TELECOMMUNICATIONS COMPANIES, THE WESTERN  
TELECOMMUNICATIONS ALLIANCE, AND THE EASTERN RURAL TELECOM  
ASSOCIATION**

The above listed associations seek a waiver and clarification on the Commission's Lifeline and Linkup order, specifically requesting a postponement of the Commission's scheduled implementation date of April 2, 2012.

Sacred Wind Communications, Inc. ("Sacred Wind") has no position on the associations' petition as it relates to the Lifeline and Linkup program on nontribal lands, however, Sacred

Wind supports the Commission's proposed rules and implementation date as they relate to the Tribal Lifeline and Linkup programs.<sup>1</sup>

Sacred Wind notes that the petitioning associations focused their attention in their petition to just the Lifeline and Linkup program on nontribal lands, and appreciates that the associations would defer to the carriers serving tribal lands, and to the tribes themselves, in the opinion as to how effectively the changes to the Tribal Lifeline and Linkup programs can be implemented on tribal lands.

Sacred Wind's service territory and study area encompass 3,600 square miles in northwestern New Mexico, over ninety percent (90%) of which resides within Navajo Lands. Over ninety percent (90%) of Sacred Wind's customer base is Navajo, with the majority living under the poverty level. Sacred Wind acquired its service territory from Qwest Corporation (now CenturyLink) in December of 2006, at a time when basic telephone availability in the area did not surpass 26 percent of Navajo households, and has since then reconstructed entirely a new telecommunications infrastructure to serve its customers. While *eligibility* for the Tribal Lifeline and Linkup programs among its customer base was no less than the United States Census Bureau's calculation of families living in poverty<sup>2</sup>, only 26 households in Sacred Wind's territory were actually subscribing to the Tribal Lifeline program at the time of its acquisition of

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, FCC 12-11 (rel. Feb. 6, 2012) ("*Order*").

<sup>2</sup> 35% under poverty for Navajo Reservation as a whole (Source: U.S. Census Bureau, American Community Survey, in 2010 Needs & Assets report, August 31, 2010, page 2-10, Navajo Nation Regional Partnership Council) while estimated at over 51 % for Eastern Agency area in New Mexico.

Qwest Corporation's assets on Navajo tribal lands. Sacred Wind has since raised Tribal Lifeline subscribership to over 1,400 households.

Sacred Wind congratulates the Commission for its revisions to the Tribal Lifeline and Linkup program as they bear a promise of even more benefit to the most disadvantaged of tribal households in New Mexico. The addition to the current program of Tribal Lifeline eligibility within a household for heads of "economic units" is particularly beneficial for Navajo households where grandparents are often found caring for their grandchildren and other family members. In fact, 24.1 percent of Navajo children under the age of 18 are cared for by their grandparents, a figure over four times the national average.<sup>3</sup> Under such household circumstances, the current limitation of one Tribal Lifeline subscription per household unavoidably results in the adults of the household choosing between a fixed telecommunications link and a mobile telecommunications link, which often disadvantages the grandparents over the other adults or young adults who require a mobile phone for work or school purposes. In other words, in many Navajo homes, when one person takes the only mobile phone to work or school, the remaining members of a household lose their access to 911 and to the outside world for other purposes. They also forfeit the opportunity to utilize broadband for their healthcare, safety and economic and academic well being.

Sacred Wind has completed much of its telecommunications infrastructure under a sizable RUS loan and began greater expansion of service to its customers by way of a hybrid fixed wireless-fiber optic-copper landline system in July 2010 with the completion of its main communications tower infrastructure. It

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<sup>3</sup> Ibid, page 3-7.

has developed a customer outreach program that has further accelerated new customer installations, addressing the delays to subscribership caused by governmental requirements for homesite lease and rural addressing documentation. In short, after over four years of rights of way applications and subsequent construction, Sacred Wind is now poised to increase basic voice and broadband services to unserved households and looks forward to further incentives offered customers that would increase subscribership even more.

Sacred Wind believes that the new Tribal Lifeline rules will enable it to add approximately twenty to thirty (20-30) new unserved households to its customer base every month on top of its current average of 35 unserved households served each month, and on top of its current drive to increase that average to 45-50 new households each month. Accordingly, any delay to the Commission's implementation of its proposed Tribal Lifeline and Linkup rules will be harmful to the additional homes and individuals that would otherwise receive basic voice services and broadband access, thanks to their Tribal Lifeline eligibility. Waiting six more months or more for such communications services may not seem exorbitant considering the many years our Navajo households have been deprived of basic and advanced communications services, but no public policy that would deprive a single household, let alone an entire set of customers, of such vital services for any length of time can be defended.

In preparation for the new Tribal Lifeline rules to go into effect on April 2, 2012, Sacred Wind is now working with the New Mexico Public Regulation Commission on customer notifications and the submission of promotional tariffs that would waive the service connection fees for Tribal Lifeline eligible customers. If any delay to the program is deemed by the Commission to be necessary for other states to implement the new rules for the Tribal Lifeline and Linkup program only, Sacred Wind asks the Commission to not postpone the effective date beyond May 1, 2012.

In summary, Sacred Wind supports the Commission's new Lifeline and Linkup rules as they apply to tribal lands and opposes any further delay to the implementation of those rules. Sacred Wind has no position on the petitioning associations' request for a waiver from the proposed Lifeline and Linkup rules for nontribal lands.